

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ADVANCEPIERRE FOODS, INC.)	
)	
Petitioner/Cross-Respondent)	
)	Nos. 18-1219
v.)	18-1238
)	18-1246
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	
)	
and)	
)	
UNITED FOOR AND COMMERCIAL)	
WORKERS UNION, LOCAL 75)	
)	
Proposed Intervenor)	

**MOTION OF THE NATIONAL LABOR RELATIONS BOARD
FOR LEAVE TO FILE A SURREPLY**

To the Honorable, the Judges of the United States
Court of Appeals for the District of Columbia Circuit:

The National Labor Relations Board, by its Deputy Associate General Counsel, respectfully requests permission to file a surreply to the September 19 reply of AdvancePierre Foods, Inc. (“the Company”) to the Board’s opposition to the Company’s motion to hold this case in abeyance pending mediation. In support of its motion, the Board states as follows:

1. At the time that the Board filed its opposition to the Company's motion, these consolidated appeals were not yet in mediation, no mediator had been assigned, and the parties had yet to participate in any mediation session.

2. The Board requests to file a surreply so that it may clarify for the Court that, although these events have since occurred, the Board continues to view the Company's request to hold these appeals in abeyance as premature.

3. The Board believes that this clarification will assist the Court in ruling on the Company's motion.

4. The Board has prepared a short surreply and has submitted it, as a separate filing, simultaneously with this motion.

WHEREFORE, the Board respectfully requests that the Court accept its surreply as filed on this date.

Respectfully submitted,

s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street, SE
Washington DC 20570
(202) 273-2960

Dated at Washington, DC
this 23rd day of October 2018

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d)(2), the Board certifies that this motion contains 304 words of proportionally-spaced, 14-point type, and the word processing system used was Microsoft Word 2010.

s/Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001
(202) 273-2960

Dated at Washington, DC
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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2018, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the CM/ECF system, and that all counsel are registered CM/ECF users.

/s/ Linda Dreeben
Linda Dreeben
Deputy Associate General Counsel
NATIONAL LABOR RELATIONS BOARD
1015 Half Street, SE
Washington, DC 20570
(202) 273-2960

Dated at Washington, DC
this 23rd day of October 2018